

ORIGINAL

FILED

April 6 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0661

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMUEL AARON BELANGER,

Defendant and Appellant.

FILED

APR 06 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

Koan Mercer, counsel for Appellant, respectfully requests an extension until June 11, 2010, in which to file the opening brief in the above-entitled matter. Counsel submits the attached affidavit in support of this request.

Counsel for the State has no objection to this extension request.

Respectfully submitted this 6 day of April, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Koan Mercer*  
KOAN MERCER  
Assistant Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office.

2. In that capacity, I supervise Koan Mercer who has been assigned to handle the above-entitled matter.

3. This matter was initially a *pro se* appeal with the Appellant's opening brief first due on February 10, 2010.

4. However, on February 10, 2010, the Court issued an order appointing the Office of the Appellate Defender and giving the Office of the Appellate Defender 60 days in which to file an opening brief.

5. The opening brief in this matter is, thus, presently due April 12, 2010.

6. Mr. Mercer will be unable to complete this brief in the previously allotted time because he has been working to complete the opening briefing for *State v. Dill*, DA 09-0435, *State v. Happel*, DA 09-0552, and *State v. Goodenough*, DA 09-0201, and reply briefs for *State v. Henson*, DA 09-0189, and *In re T.M.*, DA 09-0531.

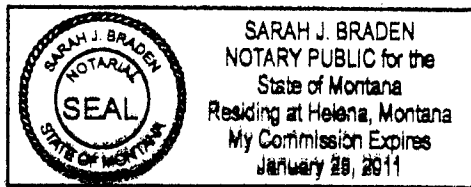
6. Mr. Mercer will continue to work diligently under my supervision to complete this matter in a timely manner; however, it appears Mr. Mercer will require at least an additional 60 days as he must spend much of April preparing for oral argument in *State v. Allen*, DA 09-0091, a case in which Mr. Mercer did not author the briefs.

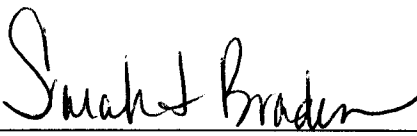
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

  
\_\_\_\_\_  
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 14 day of April, 2010.



  
\_\_\_\_\_  
Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

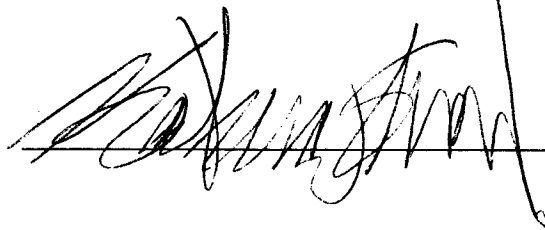
STEVE BULLOCK  
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215 North Sanders  
P.O. Box 201401  
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ROBERT ZIMMERMAN  
Sanders County Attorney  
P.O. Box 519  
Thompson Falls, MT 59873

SAMUEL BELANGER 2060357  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

DATED: \_\_\_\_\_

4/6/10

A handwritten signature in black ink, appearing to be "Robert Zimmerman", written over a horizontal line.